

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>June 9, 2014</u>
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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IN RE:	:	
FOSAMAX PRODUCTS LIABILITY LITIGATION	:	Master File No.
-----X	:	06 MD 1789 (JFK)
This document relates to:	:	
All actions	:	ORDER
-----X	:	

JOHN F. KEENAN, United States District Judge:

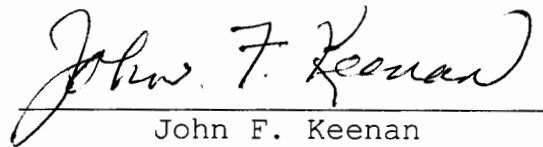
By letter dated June 6, 2014, Merck requests leave to file a motion for a new Lone Pine order, this one targeted toward plaintiffs who have not elected to participate in the pending settlement. Merck represents that many of these plaintiffs "have not responded in any way to attempts of their counsel to communicate." The Plaintiff's Steering Committee has advised that it does not oppose Merck's request, and will not oppose the ultimate motion for a Lone Pine order.

The Court grants Merck leave to file the contemplated motion. The motion should be made by Wednesday, June 11, 2014, and notice of the motion should be served to the attorneys of the affected plaintiffs on that date. The motion should include example Lone Pine orders from other actions where the court entered the order for the purpose Merck recommends here, i.e., as a prelude to the dismissal of unresponsive plaintiffs during settlement. It should also include a list of all plaintiffs to whom the contemplated Lone Pine order would apply, and their attorneys of record.

Counsel for those affected plaintiffs are directed to respond, whether they oppose the motion or not, by Wednesday, June 18, 2014. Where a plaintiff's attorney represents that he or she has been unable to reach a plaintiff, the response should set forth precisely what steps have been taken to locate those plaintiffs and communicate with them regarding participation in the settlement.

SO ORDERED.

Dated: New York, New York
June 9, 2014



John F. Keenan
United States District Judge